IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 14TH JULY 2006 / 23RD ASHADHA,1928

Bail Appl..No. 3817 of 2006

(CRIME NO.60/2006 OF PERUNNAD POLICE STATION)

PETITIONER.

SATHOSH MATHEW, S/O.K.T.MATHEW,
PERAYIL HOUSE, PRASHANTHY NAGAR COLONY,
EDAPPALLY, KOCHI 24.

BY ADV. SRI.PKM.HASSAN
SRI.FIROZ K.ROBIN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE S.I.OF POLICE, PERUNAD POLICE STATION, PATHANAMTHITTA.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.3817/2006

DATED THIS THE 14TH DAY OF JULY, 2006

O R D E R

The petitioner is the second accused, in crime No.60/2006 of Perunnad Police Station of Pathanamthitta District. It is alleged that the petitioner and two others had committed the offence, under Section 420 IPC read with Section 34 IPC, as all of them had received an amount of Rs.1,09,500/-, from the defacto complainant, in the guise of giving NOC to the daughter-in-law of the defacto complainant for employment abroad. However, the transaction did not take place, as required by the law. Therefore, the defacto complainant demanded the money back. It is the plea of the petitioner that he had received an amount of Rs.30,000/- and he refunded Rs.25,000/-, the balance amount being Rs.5,000/-.

2. However, the learned Public Prosecutor, upon instructions, and basing on the C.D.file submits that the decacto complainant is from the poor circumstances and

the money, received by the petitioner have to be returned, so that he can attempt to pay the money, and get employment through elsewhere.

3. In the facts situation of the case, I direct the petitioner, second accused, to surrender before the investigating officer of Perunnad Police Station, on 21.7.2006 between 10.30 a.m and 11.00 a.m., and the investigating officer shall interrogate the petitioner and thereafter, produce him before the Judicial Magistrate of First Class, Ranni, as per the law.

4. I make it clear that if the investigating officer requires the petitioner for further custodial interrogation, he may move an application before the court below for the custody of the petitioner and in such event, the learned Magistrate shall hear both sides and pass appropriate orders.

5. If the investigating officer do not file any application for custodial interrogation, and if the accused is produced before the Court below, the learned Magistrate, after hearing the APP of that Court, shall

pass appropriate orders on the bail application, that may have filed by the petitioner, imposing such conditions, which are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs